

September 29, 1998

John McKay, President  
Legal Services Corporation  
750 First Street, NE, 11<sup>th</sup> Floor  
Washington, DC 10002-4250

Re: State Planning Process - Status Report

Dear President McKay:

I am writing to advise the Corporation concerning our progress in facilitating the Northwest Justice Project's continuing efforts to comply with LSC Program Letters 95-1, 98-1, 98-6, and related materials. As you know, the Access to Justice Board (ATJB), on which I currently serve as Chair, was established by the Supreme Court of Washington State on April 18, 1994 to assure access for low and moderate income residents of Washington State to the civil justice system. (Copy of Order enclosed). By Order dated November 21, 1996, the ATJB was directed to continue its operations through 2001. (Also enclosed). Among the Court's charges to the ATJB is the following:

The Board shall work to: secure adequate funding for civil access to Justice; coordinate civil access to justice and foster the development of a statewide, integrated, non-duplicative, civil legal services delivery system; serve as a repository of information relating to civil legal services issues; develop and implement policy initiatives and criteria which enhance the availability of resources; develop and implement new programs designed to expand access to justice opportunities; and address existing and proposed laws and regulations which may affect meaningful access to justice. The Board may adopt rules pertinent to these powers and duties, subject to approval by the Supreme Court.

Consistent with that charge, and with Program Letter 95-1, the ATJB convened a state planning process in August of 1995, which ultimately culminated in a formal document entitled *Plan For Delivery Of Civil Legal Services To Low Income People In Washington State (Revised 11/95)*. [Herein "State Plan"]. The letter that was initially sent out (*i.e.*, in an effort to elicit the broadest possible input and involvement of all identified stakeholders) expressed our view that "...it [was] necessary that we plan for the worst to assure the best possible delivery of legal services for the poor in 1996 **and beyond**. [emphasis added] We are planning both in response to current developments **and for the long term**. [emphasis added]. To achieve these goals, we believe it is important to consider every component of the legal services delivery system in our deliberations."

A copy of the resulting State Plan was duly transmitted by my predecessor to yours and has served, if you will, as the "blueprint" for numerous subsequent decisions, recommendations or initiatives. Indeed, at each of the three statewide access to justice conferences held since the ATJB's establishment, a comprehensive list of specific, State Plan-related goals and objectives has been extensively reviewed, revised, and, in several significant respects, expanded.

These ongoing efforts and increasingly well-established processes are clearly

designed and intended to assure an active and effective statewide perspective in the development and maintenance of a comprehensive and integrated delivery system. Nevertheless, in May, 1998, the executive director of the Washington State LSC grantee, the Northwest Justice Project, called the ATJB's attention to Program Letter 98-1, noting that LSC's request presented "...an excellent and timely opportunity for the ATJ Board and all members of our Washington State civil equal justice community to evaluate and discuss those aspects of our ambitious and highly respected State Plan that are working more or less as planned, as well as to consider which, if any, aspects ought to be rethought or differently approached." Specifically, the letter requested the ATJB to "convene a process for the review and assessment of our Washington State Plan, the purpose of which will be to determine whether adjustments are appropriate in light of changed circumstances, new realities, or lessons learned."

The ATJB agreed that an intensified period of review and assessment would be useful and timely, assuming that it proceeds from a truly statewide as well as systems wide perspective. We accordingly appointed a State Plan Evaluation Committee, which is charged with the responsibility of designing and initiating the fully inclusive process to be used in generating a final report with recommendations. Rather than attempt to rehash the various steps taken since that time, I am enclosing copies of the minutes, with enclosures, of the committee's meetings. (You may wish to take note of the fact that the Northwest Justice Project's director was appointed to the committee and is certainly expected to contribute substantially to its work. At the same time, however, he does not and, in our view, certainly *should not* be solely or primarily responsible for the nature, timing or financing of a process that will need for maximum effectiveness to address issues well beyond those of immediate concern to the Corporation).

As indicated in the minutes of its most recent meeting the committee has determined that the final report and recommendations will be completed by mid-February of 1999. Since Washington is essentially a single service area that has been competed through 1999 - and since we know the current LSC grantee to be playing a strong role in an effective and fully accountable manner - we believe that our planned course of action is the most appropriate. It is well calculated to produce a set of findings and recommendations that can usefully "guide" the Corporation when making funding decisions beyond 1999, while at the same time serving the somewhat broader needs and goals of the ATJB and the comprehensive, integrated network that it is duty bound to foster and support.

By way of additional, interim response, we are also enclosing a document that explains how the Corporation's instruction and requested format will apply within our particularized approach. I hope you will find it useful.

Thanks to you and to LSC for your active support and encouragement of this vitally important undertaking. We look forward eagerly to sharing the results of our efforts.

Sincerely yours,

Kenneth H. Davidson  
Chair

Encls:  
c: ATJB Members  
Patrick McIntyre

**WASHINGTON STATE SUPREME COURT  
ORDER ESTABLISHING ACCESS TO JUSTICE  
BOARD FOR AN INITIAL EVALUATION  
PERIOD OF TWO YEARS**

**Dated April 18, 1994**

**Unavailable for electronic transmission and would not scan.**

**WASHINGTON STATE SUPREME COURT  
ORDER REAUTHORIZING THE ACCESS TO  
JUSTICE BOARD**

**Dated November 21, 1996**

**Unavailable for electronic transmission and would not scan.**

Minutes  
ATJ Board State Plan Evaluation Committee  
August 7, 1998  
Washington State Bar Association

Present: Pat McIntyre (Acting Chair), Barbara Clark, Caitlin Davis-Carlson, Olivia Dennis, Lisa Stone, Michele Jones, Dave Boerner, Joan Fairbanks

The ATJ Board has identified the State Plan Evaluation Process as a high priority for Washington State. It will be a vehicle for obtaining input from an expanded group of stakeholders on the work to date of implementing our State Plan. The Board appointed a Committee to develop a process to respond formally to the Legal Services Corporation's request for an evaluation and to conduct a more in-depth analysis of our State Plan as a vehicle for determining the course of its continuing implementation.

The Committee identified the following specific goals:

The process will be a highly relevant and inclusive one whereby a broad spectrum of interested stakeholders can participate in an informed and meaningful way.

The process will be designed in a way so people will "own it."

The process will yield specific suggestions that can be utilized by all members of the Access to Justice Network to improve the delivery of legal services in our state.

The process will illuminate both what we have done well and areas that need more work.

Having reviewed Legal Services Corporation Program Letter 98-6 (July 7, 1998) on State Planning Considerations, the Washington State Plan and related documents, the Committee agreed on the following course of action to serve the dual purposes of responding to the LSC Program Letter and evaluating Washington's State Plan.

As a first step, Sharlene Steele will E-mail (if possible) the list of ATJ Conference invitees to all committee members the week of August 17. Committee members will review the list, make any additions, and E-mail back by August 28.

The Committee will prepare a two-part letter to be sent to the stakeholders: (1) Pat M. will draft a section on why this process is important; (2) the following Committee members (and others) will prepare brief status/assessment summaries of each of the Specific Recommendations for Washington's State Plan (pp. 6-10), which will be sent to Joan Fairbanks by September 4.

- #1 (Jim Bamberger)
- #2 (Pat McIntyre)
- #3 (Pat)
- #4 (Barbara Clark)
- #5 (Olivia Dennis and Pat)
- #6 (Bob Stalker)

- #7 (Lisa Stone and Barbara)
- #8 (Pat and Olivia)
- #9 (Jim and Pat)
- #10 (Caitlin Davis-Carlson, Joan Kleinberg and Joan Fairbanks)
- #11 (Jim)
- #12 (Barbara)
- #13 (Barbara)
- #14 (Michele Jones)
- #15 (Caitlin, Joan K. and Joan F.)
- #16 (Theresa Harrington and Sharon Ruiz)
- #17 (Barbara)
- #18 (Lauren Moore and Lisa)

Joan Fairbanks and Pat McIntyre will meet on September 8 to assemble/edit these sections into a draft narrative.

The Committee will meet again on September 9 at noon at the Legal Foundation of Washington. Chair Paul Bastine will participate by telephone. The Committee will review the draft narrative and will devise a questionnaire that is both responsive to the issues raised by the questions in the LSC Letter and incorporates the principles described in Washington State's *Hallmarks of an Effective Legal Services Delivery System*.

The narrative and the questionnaire will be sent to the stakeholders in September, who will be encouraged to respond in a variety of ways, including E-mail.

Stakeholders also will be able to respond in person at two meetings. The Committee recommends that part of the October 23 ATJ Board meeting be devoted to receiving input on the State Plan Evaluation Process. There will be a second meeting in Spokane -- likely on November 13 (Judge Bastine and Jim Bamberger will make the arrangements).

The final report will be completed by the end of the year.

Access to Justice Conference  
June 25-27, 1998 - Yakima

Proposed Participant List

Boards

Access to Justice Board & Committee members	54
Columbia Legal Services Board and staff	42
LAW Fund Board, alums and staff	25
Legal Foundation of Washington Board and staff	14
Northwest Justice Project Board and staff	14
WSBA Board of Governors, President & President-Elect	14

Other Groups & Organizations

AARP - Hilka Faber	1
ACLU - Kathleen Taylor	1
Aging and Adult Services - Hilary Hauptman	1

Alternative Dispute Resolution

Mary Myhre-Pancake, Lewis County Dispute Resolution Center	1
Area Agency on Aging (Lewis-Mason-Thurston), Barbara Poetker	1
Association of Washington State Dispute Resolution Centers - Bev Goodman	1
ATJ Corporate Counsel Supporters	50
Bar Foundations	3
Pierce County Bar Foundation -David A. Little	
King County Bar Foundation - Sarah Eitelbach & Jennifer Brown	
Courthouse Facilitators	16
Court Reporters	3
Clark & Associates Reporting Services - Susan & Roger Clark	
Washington State Reporters Association - Raelene Semago	
Department of Revenue, John Gray	1
Division of Children & Family Services/Childrens Protective Services	5
Carol Andresch	
Rob Schebor	
Alfonso Garcia	
Rob Schebor	
Barbara Meyers	

Equal Justice Coalition (Steering Committee & Team Leaders)	71
Farmworkers Clinic - Dr. Paul Monahan	1
Head Start State Association	
John Bancroft	1
Ed Furgeson (Enterprises for Progress in the Community)	1
Judiciary	
Superior Court Judges Association - Hon. Faith Ireland, Pres.	1
Washington State District & Municipal Court Judges Assn.	
- Hon. Clifford L. Stilz, Jr, President.	1
Washington Administrative Law Judges Assn. - Miriam Kasperson, Pres.	1

Spokane County Superior Court - Hon. Kathleen O'Connor	1	
Tribal Judges Association - Hon. Mary Wynne	1	
Court of Appeals Division III - Hon. Frank Kurtz	1	
U.S. District Court/Yakima - Hon. John A. Rossmeissl	1	
La Clinica, Gillermo Castaneda	1	
Law Firm Representatives and conference sponsors	11	
Chris Allen, Pro Bono Coordinator, Bogle & Gates		
Pamela Cone, Davis Wright Tremaine		
Law-Related Education	17	
Justices Durham & Sanders, Judith Billings, Kay Bullitt, Mary Faihurst, Larry Fehr, Rod Herling, Hon. Michael Hurtado, Thomas Kelly, Tarry Lindquist, Hon. Craig Matheson, Hugh Spitzer, Mary Wechsler, Mark Wheeler, Krista Goldstine-Cole, Larry Strickland, Steven D. Brown, Julia Gold, Kate Ramsey, Mary Springer, Kathy Hand, Jo Rosner, Nora Hallett		
Law Schools, Colleges & Universities		
James Bond, Dean, SU School of Law	1	
Roland Hjorth, Dean, UW School of Law	1	
Margaret McLean, SU	1	
Stacy Klinzman, SU	1	
(other law school reps. on committees/boards listed above: UW; Prof. Rob Aronson, UW; Prof. Henry McGee, SU; Jan Drye, Gonzaga and Prof. Arthur B. LaFrance, Lewis & Clark; John Clute, Dean, Gonzaga School of Law; James Vache, Gonzaga)		
Joy Smucker, Highline Community College, Paralegal Department	1	
Ann Castle, Edmonds Community College	1	
Legislators (Washington state)	?	
Local Bar Associations & newsletter editors	54	
Office of Administrative Hearings	10	
Headquarters - Olympia		
Art Wang, Chief Admin. Law Judge		
Robin Zukowski, Deputy Chief		
Division I		
Everett Social & Health Services Subdivision		
Olympia Social & Health Services Subdivision		
Seattle Social & Health Services Subdivision		
Yakima Subdivision		
Division II		
Olympia Employment Security Subdivision		
Spokane Employment Security Subdivision		
Seattle Employment Security Subdivision		
Vancouver Subdivision		
Office of the Administrator for the Courts	2	
Mary McQueen		
Bryan Bachus, Information Systems Division		
(Chuck Erickson and Margaret Fisher on committees listed above)		
Office of the Attorney General - Christine Gregoire	1	
Open Society Institute		2
Catherine Samuels		
Gara LaMarche		
Other States	4	



Oregon Legal Services - Maureen McKnight & Ira Zarov	
Alaska Court System - Stephanie Cole	
Oregon Law Center - Lori Alton	
Pro Bono & Legal Aid Committee (WSBA)	24
Providence Hospital/Yakima - Ann Phillips	1
Pyramid Communications	1
Silver Linings - Lisa Gallagher	1
Specialty & Minority Bar Associations	31
Specialty legal service programs staff	10
Legal Action Center	
Northwest Immigrants Rights Project	
Unemployment Law Project	
University Legal Assistance	
Fremont Public Association	
Northwest Communities Education Center Immigration Project	
Northwest Women's Law Center	
Pierce County Sexual Assault Center	
The Tenants Union	
Refugee and Immigrant Advocacy Project	
Supreme Court of Washington	9
United Farmworkers Union - Guadalupe Gamboa	
U.S. Attorney's Office - Diane Tibelius	1
Volunteer attorney legal service programs, staff & board chairs	50
Washington Association of Legal Support Professionals - Diana Osborn, Pres.	1
Washington Association of Superior County Clerks	
Siri Woods, Chelan County	16
Mary Jean Cahail, San Juan County	
Kim Eaton, Yakima County	
Clerks/Court Administrators in courthouses that have Courthouse Facilitators	
Washington State Bar Association	15
ADR Section - Donnelly Wilburn	
Family Law Section - Peter Karadenos	
Legal Assistants Committee - Anne Kastle	
Litigations Section - Judy Massong	
Real Property Probate & Trust Section - Douglas Lawrence	
General Counsel - Robert Welden	
Lobbyist - John Fattorini	
Joan Fairbanks, staff	
Sharlene Steele, staff	
Brynn Hancock, staff	
Judy Berrett, staff	
Joyce Raby, Staff	
Barrie Althoff, staff	
M. Janice Michels	
Laurie Rosenfeld	
Past Board of Governors & Presidents	40
Washington State CASA/GAL Programs - MaryLouise Alving	1
Washington State Migrant Council - Carlos Diaz	1
Washington State Paralegal Association - Administrator	1
Washington State CAP Agencies - Bob Swanson	1
Washington State Coalition Against Domestic Violence - Mary Pontarolo	1
Washington State Long Term Care Ombudsman - Kary Hyre	1

Washington Young Lawyers Division President - Kathleen Hopkins	1
Welfare Rights Organizing Coalition - Jean Coleman	1
Yakima Valley Farmworkers Clinic - Dr. Paul Monahan	1
Special/National Invitations	
Algodones Associates Inc., John Arango	1
Gov. Gary Locke & staff	10
Bill Gates, Jr.	1
American Bar Association	6
Tom Fitzpatrick - Washington state delegate	
Llewellyn Pritchard - Washington state delegate	
Steve Scudder - Center for Pro Bono	
Terrence Brooks - Division for Legal Services	
Will Hornsby - Division for Legal Services	
Esther Lardent - Law Firm Project	
Center for Law & Social Policy - Alan Houseman	1
Ford Foundation	
NLADA	4
Julie Clark	
Don Saunders	
Guy Lescault	
Martha Bergmark	
Legal Services Corporation - John McKay, President and Board	1
Media 7	
Bar News, Sherrie Bennett, Editor	
Washington Journal, Carol Angel, Editor	
Washington Law & Politics	
Lake Chelan Mirror	
KOZI Radio - Chelan	
TVW - Denny Heck, President & Ginger Eagle, Scheduling Coordinator	
Microsoft Corporation	4
Peter Miller, Vivek Varma, Barbara Dingfield, Kim Elwanger	
National Association of IOLTA Programs, Inc. - Robert Clyde, Pres.	1
National Association of Pro Bono Coordinators	1
National Association of Public Interest Law	1
Pro Bono Institute, Esther Lardent	1
Project Advisory Group	

MINUTES  
ATJ Board State Plan Evaluation Committee  
September 9, 1998  
Legal Foundation of Washington

Present: Chair Hon. Paul Bastine (by phone), Pat McIntyre, Barbara Clark, Lisa Stone, Caitlin Davis-Carlson, Joan Fairbanks, Olivia Dennis, Michele Jones, Scott Smith

Pat McIntyre distributed a memorandum that further clarified the contents of a "Dear Colleague" cover letter he is drafting for Ken Davidson's signature. The memo notes there will be two key enclosures: (1) a status report, which reviews the 18 specific recommendations contained in the *State Plan*; and (2) a questionnaire that tracks the status report and gives stakeholders a relatively easy way to give their input on perceived progress, etc.

The memorandum also proposed a seven-step analysis of each recommendation. He distributed a draft analysis of Recommendation #10 as an example. Committee members are asked to perform the analysis on their assigned Recommendations (you know who you are!) and send/e-mail completed drafts by September 24 to Joan Fairbanks (fax: 206-7278230; e-mail: [joanf@wsba.org](mailto:joanf@wsba.org)).

Also by September 24 Committee members should review the list of stakeholders they received from Sharlene and indicate the following as appropriate on the list:

i.d. key people/organizations we should contact personally (use an "\*\*")

of those, indicate those you will contact with a personal note (write your name)

The revised timeline for this project is as follows:

September 24:	draft recommendation analyses to Joan
September 25:	Joan and Mac will meet to put together a draft
September 29:	next meeting of the Committee – 3:00 at LFW
October 1:	report due to LSC
Early October:	mailing to stakeholders
October 23:	ATJ Board meeting/first hearing on State Plan
November 13:	second hearing on State Plan (Spokane)
January 22:	review of draft report by ATJ Board
mid-Feb:	State Plan Evaluation Report to be completed

Memo To: State Plan Evaluation Committee

From: Pat McIntyre

Re: Suggested Process/Discussion Paper

Date: September 9, 1998

Although I've found it slow going, I am continuing to work on the draft of a "Dear Colleague" cover letter to be sent by Ken Davidson to all identified network "stakeholders." As I understood the consensus reached at our first meeting, that letter is to briefly, but effectively accomplish at least the following things:

- Explain the overall nature and importance of planning, including the appropriateness of a periodic intensified evaluation process;

- Provide a concise and readable, yet interesting (if not stirring) history of the *Hallmarks* and *State Plan*, including a bullet point synopsis of the essential institutional values and core capacities embodied in the *Hallmarks* (Jim Bamberger has agreed to take the first shot at this);

- Describe the variety of user-friendly means that interested parties may use to facilitate meaningful participation;

- Set out a time frame, including the dates, times, locations and settings for pertinent meetings, and the projected deadline for a final evaluation report; and

- Describe the enclosures that will accompany the cover letter.

There would be two (2) key enclosures: 1) a status report, which reviews the 18 specific recommendations contained in the *State Plan*; and 2) a questionnaire that tracks the status report and gives stakeholders a relatively easy way to give their input on perceived progress, continuing viability, future possibilities, better ideas, etc.

The mailing could also include a 1-pager listing resource materials available on request from Joan/Sharlene. These could include: 1) the *Hallmarks*; 2) the *State Plan*; 3) the current State Planning Assistance Network (SPAN) Guide; the LSC planning materials; 5) the current "Network Brochure;" 6) the ATJ Conference recommendations; 7) planning reports from other states (Michigan, New York, Pennsylvania, etc.); and 8) other items that we can identify.

**In order to provide some degree of uniformity and cohesion - and to allow development of a fairly simple but truly useful questionnaire - I propose that the individual sections of the status report should ideally be drafted so as to cover several points in roughly the same order. First, after briefly reiterating the particular *State Plan* recommendation, the analysis would identify the specific value(s) that the recommendation in question was designed to promote and the perceived relationship of the value(s) to client service/access. The analysis would next proceed to survey the specific actions that have in fact been taken since the inception of the *State Plan*, including those steps that are in progress or are firmly planned for implementation.**

**Thirdly, the analysis would examine the current reality, with a particular focus on the extent to which the steps taken are in fact serving the pertinent value(s) and how they are impacting client access. Whenever appropriate, the analysis would go on to identify any unanticipated developments or emerging issues of significance and, finally, would briefly outline any future options and possibilities.**

For purposes of illustration and to promote discussion, Joan and I have tried to apply this approach to two of the *State Plan* recommendations, and the results are attached. Assuming the group's approval, it may be most productive to discuss the suggested approach at today's meeting. We could also firm up the stakeholders list, revisit the scheduling issues, and brainstorm the resource list and questionnaire.

Attach:

**APPLICATION OF LSC INSTRUCTIONS  
TO  
STATE PLAN EVALUATION  
IN  
WASHINGTON STATE**

**Primary Contact Person:** Kenneth H. Davidson  
Chair, Access to Justice Board (ATJB)  
(425) 822-2228

**Secondary Contact Person:** Patrick McIntyre  
Executive Director, Northwest Justice Project  
(206) 464-1519 [Ext. 252]

**Process and Participation**

As indicated in the Committee Minutes supplied, the Washington State Access to Justice (ATJ) network works off of an existing state plan, which establishes a unified mission to be advanced by accomplishing 18 specific recommendations. The evaluation process thus consists, in essence, of: 1) an intensified, somewhat tightly structured review of the overall plan; 2) reexamination of each specific recommendation in terms of the actual progress made and to be made toward its full realization; 3) reexamination of each specific recommendation in terms of its continuing utility, viability and vitality - with a particular focus on its demonstrated capacity (or lack thereof) to serve and promote identified values; 4) reaffirmation, reordering or revision, as may be found appropriate, of identified underlying values; and 5) formulation and dissemination of an appropriately revised action plan.

Consistent with the initial formulation of the current state plan, the ATJB seeks to accomplish this end by facilitating the active, well-informed participation of a broad array of interested individuals and institutions having a direct stake in the outcome of the planning process and the future structure and operation of the state's civil legal services delivery system. Like LSC's recommendations, the ATJB recognizes that expansive input and investment are essential if it is to: assure that providers respond to local/specific needs; develop particularized strategies where appropriate; and build enduring community support for its efforts. Accordingly, participants will again include numerous representatives of county and statewide bar associations, federally funded and non-federally funded direct legal services providers, law schools, court clerks, courthouse facilitators, judges, ADR providers, volunteer attorney programs, civil prosecutors, law firms and many others. Indeed, the list of identified stakeholders/prospective participants (*See* attachment to August 7 Planning Committee Minutes) has grown from more than 160 to close to 500.

All identified stakeholders will shortly receive a letter explaining the nature and importance of the process, describing the various available avenues for participation, and setting out time frames, response mechanisms, meeting dates, etc. The mailing will include a status report reviewing each specific recommendation contained in the current state plan and a questionnaire which is directly keyed to the status report. The questionnaire will be designed to enable each participant to express agreement or disagreement with some or all of the ATJB's perspectives, to challenge the relevance or utility of particular

recommendations, and, in general, to urge other actions or approaches. Participants will be given access to a variety of resource materials - including LSC's Program Letters and *State Planning Considerations* - and will be provided the opportunity to expand as necessary on their written communications at regularly scheduled ATJB meetings in Seattle, Washington or at a special meeting to be held solely for this purpose in November, 1998, in Spokane, Washington.

### **Underlying Considerations**

Based on the analysis and dialogue which has been described, the ATJB will issue a final report with recommendations by mid-February, 1999. That report will serve as a blueprint for further deliberation and action planning at the June 25-27, 1999 statewide ATJ Conference. The process and resulting report are thus well suited to consider and apply LSC's *State Planning Considerations* in a way that is responsibly calculated to:

**assess the strengths and weaknesses of the current approach (i.e., by expanding involvement and measuring actual and likely results);**

**establish goals to strengthen and expand services to eligible clients (i.e., by reexamining current priorities and initiatives in light of changing needs and new challenges); and**

**determine the major steps and a timetable necessary to achieve these goals (i.e., by fostering collective analysis, distillation, deliberation, dialogue and commitment).**

### ***Intake, Advice and Referral***

The current state plan (Specific Recommendation Nos. 10 and 15) calls for the utilization of existing and emerging technologies "...to establish local and regional intake, case screening and client referral systems that serve all case handling components...and integrate specialty private bar providers into the intake and screening process." These recommendations have fostered the development of a statewide, toll-free telephonic and Web Site service, the Coordinated Legal Education Advice and Referral (CLEAR) system, which is operated by the LSC-funded Northwest Justice Project. The recommendations have been reviewed at the statewide conferences convened by the ATJB in 1996, 1997 and 1998, and they will be evaluated again in this process.

### ***Technology***

The current state plan (Specific Recommendation No 15) expressly calls for the utilization of "existing and emerging technologies to provide expansive geographic coverage and maximize local legal services delivery capacity and presence in areas outside of principal urban centers." In furtherance of this recommendation, as detailed in the 1996, 1997 and 1998 ATJ Conference action plans:

The ATJB's Com Tech Committee has developed a *Washington State Equal Justice Communications and Technology Vision* ("Com Tech Plan"), which, when implemented, will provide technical support for the legal services and volunteer attorney legal services provider network;

The state bar association (WSBA) has hired an Access to Justice Communications and Technology Specialist to staff the implementation of the Com Tech Plan; and

An Access to Justice Web presence has been developed for the WSBA Web Site, which will provide information to both the public and the profession about access to justice and the Access to Justice Network.

***Access to the Courts, Self-help and Preventive Education***

The current state plan is based on a common mission that expressly includes the obligation to

Assist low income individuals and groups in understanding and effectively asserting their legal rights and interests within the civil justice system, ***with or without the assistance of legal counsel.*** (Emphasis supplied).

Fourteen of the 31 items contained in the current ATJ Conference action plan bear directly upon this component of the mission and will be further assessed and refined in the plan evaluation process.



### ***Coordination of Legal work Training, Information and Expert Assistance***

The current state plan (Specific Recommendation Nos. 3,6,7,8 and 14) is heavily focused on this goal and has spawned 12 ATJ Conference action plan initiatives, including the establishment of a statewide resource center for training and technical support. These efforts are therefore certain to receive continuing attention, reinforcement and refinement.

### ***Private Attorney Involvement (PAI)***

Washington State is fortunate to have an extensive and relatively well-coordinated cadre of volunteer attorney programs. Not only have these programs been active equal justice partners of long standing, but they have actively engaged in all planning and implementation efforts. Though not expressly set forth in terms (or terminology) of LSC's PAI requirements, the role of the private bar is central to 8 of the Specific Recommendations (Nos. 1,3,4,5,7,10,15 and 18) contained in the current state plan, while at least 12 of the ATJ Conference action plan items relate directly to private bar activities.

### ***Resource Development***

Prior to and since the inception of statewide planning, the Washington State Access to Justice Network *has* successfully engaged in collective efforts to develop and expand revenues for all programs through state appropriations, filing fee surcharges, state fundraising campaigns, expanded IOLTA receipts and support for statewide projects from foundations and other grantors. Other possible strategies - including bar dues checkoffs, attorney registration fees, direct state bar grants and related for-profit enterprises - will continue to receive active and serious consideration. The current state plan expressly dictates efforts to maintain existing funding (Specific Recommendation Nos. 1,2,4,12 and 13) as well as to "...aggressively pursue additional state funding to make up for the service capacity losses resulting from LSC funding reductions..." (Specific Recommendation No. 16), and to engage "...in fund raising work cooperatively in a common effort to maximize the total number of dollars raised and made available for equal justice activities undertaken through the integrated civil legal services delivery system" (Specific Recommendation No. 18).

Ongoing initiatives thus *do* and will continue to:

Assure broad participation and effective coordination;

Identify a wide range of possible strategies, including those which have met with success in other states or in relation to the accomplishment of analogous goals and objectives;

Assure inclusion, in particular, of efforts to assist programs and stakeholders in particular areas of the state (or who are providing various kinds of services) that have historically struggled with disproportionately low resources; and

Build substantial and enduring support beyond the legal community by actively engaging other community leaders.

## **7. System Configuration**

The need to answer and re-answer the questions of who should do what for whom, why, where and how lies at the heart of all comprehensive and individual planning efforts in this state. Washington is among those service areas where it has been determined that the successful development of statewide initiatives manifestly does require a willingness to undertake the substantial reconfiguration of organizational relationships and service areas. Indeed, through the planning processes described herein, and otherwise, the ATJB continues to oversee the full implementation of Specific Recommendation Nos. 1,2,3,5,6,7,8,9,11 and 12, each of which relates directly to these questions, and each of which fosters and reinforces an extraordinarily high level of cooperation, collaboration, communication, common purpose and flexibility. This is ultimately what has made it possible to move forward in spite of the anxieties, financial costs and delays that inevitably must accompany substantial displacement and protracted uncertainty.

It is now widely appreciated throughout the ATJ Network that, given the recent history of major changes in the legal services landscape, and the seemingly high potential for more of the same, all those engaged in state planning must continually ask, from a statewide perspective, whether the present configuration actually is achieving, and will in the future, achieve the best possible results for clients. The need for careful planning and maximum flexibility is underscored not only by general devolutionary trends and the imminent prospect of significant reductions in IOLTA funding, but by the combined effects of a sustained period of flat LSC funding and the relatively high level of administrative costs and unavoidable inefficiencies associated with counter-intuitive and extensively detailed compliance requirements at many levels.

The State Plan Evaluation process accordingly will compliment and inform our ongoing efforts to carefully assess whether the present and future needs of clients are in fact best served by the current configuration. As it develops new or revised recommendations concerning the nature and extent of changes that may be required to achieve an even more integrated delivery system, the ATJB will actively seek to include consideration of all goals and capacities presented in LSC's *State Planning Considerations* - particularly as those goals and capacities are embodied in the *Hallmarks of An Effective Statewide Civil Legal Services Delivery System*.